

1  
2 IN THE UNITED STATES DISTRICT COURT  
3  
4 FOR THE NORTHERN DISTRICT OF CALIFORNIA

5 RIVERVIEW EQUIPMENT COMPANY,  
6 Plaintiff,

No. C 08-03038 CW

CONDITIONAL ORDER  
OF DISMISSAL

7 v.  
8  
9 TUG HERO,  
10 Defendant.

11  
12 The parties hereto, by their counsel, having advised the  
13 Court that they have agreed to a settlement of this cause,  
14

15 IT IS HEREBY ORDERED that this cause be dismissed with prejudice;  
16 provided, however, that if any party hereto shall certify to this  
17 Court, with proof of service of a copy thereon on opposing counsel,  
18 within 90 days from the date hereof, that the agreed consideration for  
19 said settlement has not been delivered over, the foregoing Order shall  
20 stand vacated and this cause shall forthwith be restored to the  
21 calendar to be set for trial.

22 IT IS SO ORDERED.  
23

24 Dated: 3/25/09  
25  
26  
27  
28

*Claudia Wilken*

CLAUDIA WILKEN  
United States District Judge